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MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079				
EXAMINER				
CHANKONG, DOHIM				
ART UNIT		PAPER NUMBER		
2452				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/775,581

Applicant(s)

WROBEL, PAWEL

Examiner

DOHM CHANKONG

Art Unit

2452

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 2/5/2009. Claims 6, 14, 15, 18, and 19 are amended. Claims 6-12 and 14-20 are presented for further examination.
2. This action is a final rejection.

Response to Arguments

3. Applicant's arguments with respect to claims 6-12 and 14-20 have been considered but are moot in view of the new ground(s) of rejection. However, with respect to claims 6-12, Applicant should note that Stalker does teach retrieving *all* data from the carousel and then discarding the data not of interest to the client [0021]. That is, every data block is retrieved from the carousel, downloaded to the data block processor, and analyzed to determine whether it is associated with a registered interest. If not, they are discarded but this step only takes place after the data block has been downloaded from the carousel. Stalker however does not disclose that the step of retrieving all data occurs within a single cycle of the carousel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 9-12, 14, 15, and 17-19 are rejected under 35 U.S.C. §102(c) as being anticipated by Stalker, U.S Patent Publication No. 2002|0091816 in view of Buchholz et al, "Dissemination of Mutable Sets of Web Objects" ["Buchholz"].
5. For the rejection of claims 6, 7, 9-12, 14, 15, and 17-19, all citations are to Stalker unless otherwise noted.
6. As to claim 6, Stalker discloses a method for reception of software of a receiver, wherein the software is broadcasted in a data stream, in a form of a carousel of objects, the method comprising the steps of:
 - connecting the receiver to the data stream [0006, 0017];
 - starting reception of data conveyed in the data stream [0015-0017 : Stalker's client receives data blocks from the data carousel];
 - identifying parameters of a carousel of objects to be retrieved [0019 : each packet contains an identifier that links the module with the specific application. Stalker's identifier reads on Applicant's claimed parameter];
 - retrieving all data according to the parameters [0019, 0021] from the carousel of objects in a sequence as the data are broadcasted in the carousel of objects [0023], wherein the step of retrieving all data occurs within a single cycle of the carousel of objects [Buchholz, pg. 2, § 2.1: discussing full cycle buffering | pg. 3, § 3: disclosing that the full cycle buffering occurs within a single cycle because at the end of one cycle, new objects replace old objects in the cycle];

creating modules from the data being retrieved, after retrieving all data of the carousel of objects [Figure 5B : decision block labeled as "Have Read All Blocks?" | 0021: all data from the carousel retrieved and analyzed by the processor | 0027];

obtaining content of the modules [0016]; and

storing the content in the file system of the receiver [0031].

As noted above, Stalker does not expressly disclose retrieving all data within a single cycle. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by Buchholz. Specifically, Buchholz discloses that clients buffer a full cycle. Buchholz further implies that this buffering takes place within one cycle because new objects replace old objects after one cycle. Furthermore, Buchholz discloses that "with full cycle buffering each already broadcast object is instantly available unless the client has not been up for at least one full cycle" [pg. 3, § 3]. The benefit of this approach is that clients "all broadcast objects indexed by the current directory are instantly available" [pg. 2, § 2.1].

Thus, it would have been obvious to one of ordinary skill in the art to have modified Stalker's broadcasting system to include the full cycle buffering taught by Buchholz. Such a modification would improve Stalker's system because all broadcasted objects would be instantly available to the client AND allow old objects in the carousel to be replaced after only one cycle.

7. As to claim 7, Stalker discloses a step of setting a packets filter according to the identified parameters [0016, 0021, 0022 : Stalker discloses installing filters to more efficiently process incoming data blocks within the broadcasted data of the carousel].

8. As to claim 9, Stalker discloses the data are received in a form of packets and from the packets of data stream a section of the packet is retrieved, which includes the module or its part of the carousel of objects [0018], whereas it is next checked if the section includes the required data, which are written in the file system of receiver [0023, 0031], at the same time the completeness of the retrieved carousel of objects is checked [0027 : determining whether all the data blocks have been read].

9. As to claim 10, Stalker discloses the data, retrieved from the data stream, related to the defined carousel of objects, are broadcasted in packets with a specific PID number [0019 : each packet contains an identifier that links the module with the specific application. Stalker's identifier reads on Applicant's claimed PID number].

10. As to claim 11, Stalker discloses wherein connecting the receiver to the data stream is executed when an application of the receiver executes a request, which defines a PID number of packets [0019], in which the carousel of objects, requested by the application, is broadcasted [0006, 0016].

11. As to claim 12, Stalker discloses wherein connecting the receiver to the data stream is executed when an applications manager attempts to start an application [0019 where : Stalker's interest manager reads on Applicant's claimed applications manager], which is signaled in a given service together with the PID number of packets [0019], in which the carousel of objects of the signaled application is broadcasted [0028].

12. As to claim 14, it is rejected for at least the same reasons set forth for claim 6.
13. As to claims 15 and 17-19, they are rejected for at least the same reasons set forth for claims 7 and 9-12.
14. Claims 14 and 16-19 are rejected under 35 U.S.C. §103(a) as being anticipated by Metz et al, U.S. Patent No. 5,768,539 [“Metz”], in further view of Buchholz.
15. For the rejection of claims 14 and 16-19, all citations are to Metz unless otherwise noted.
16. As to claim 14, Metz discloses a method for reception of software of a broadcasted in a data stream and accessible to a receiver from a carousel of objects, the method comprising the steps of:
- accessing a receiver to a data stream containing a carousel of objects to be retrieved [column 4 «lines 19-30»: set-top terminals receiving software through data carousel type cyclical broadcast];
- identifying parameters of a carousel of objects to be retrieved [column 37 «lines 18-19»: channel identifier];
- continuously retrieving all data according to the identified parameters, the all data retrieved from the carousel of objects in a sequence in which they are available from the moment of reception start [column 38 «lines 33-35»: Metz discloses receiving and storing the entire

application file or image before initiating execution | column 37 «lines 23-27»: disclosing that an image or file comprises of downloaded data blocks from the carousel], wherein the step of retrieving all data occurs within a single cycle of the carousel of objects [[*Buchholz*, pg. 2, § 2.1: discussing full cycle buffering | pg. 3, § 3: disclosing that the full cycle buffering occurs within a single cycle because at the end of one cycle, new objects replace old objects in the cycle];

storing the data being retrieved [column 38 «lines 33-35»];

creating modules from the retrieved data, after retrieving and storing all data [column 10 «lines 5-12» | column 38 «lines 5-13 and 33-35»: reassembling the modules only after all modules of the application file have been downloaded];

obtaining content of the modules [column 38 «lines 54-67»]; and

storing the content of the modules in the file system of the receiver [column 10 «lines 46-51»: disclosing storing any related data from the data file].

As noted above, Metz does not expressly disclose retrieving all data within a single cycle. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by *Buchholz*. Specifically, *Buchholz* discloses that clients buffer a full cycle. *Buchholz* further implies that this buffering takes place within one cycle because new objects replace old objects after one cycle. Furthermore, *Buchholz* discloses that "with full cycle buffering each already broadcast object is instantly available unless the client has not been up for at least one full cycle" [pg. 3, § 3]. The benefit of this approach is that clients "all broadcast objects indexed by the current directory are instantly available" [pg. 2, § 2.1].

Thus, it would have been obvious to one of ordinary skill in the art to have modified Metz's broadcasting system to include the full cycle buffering taught by *Buchholz*. Such a

modification would improve Metz's system because all broadcasted objects would be instantly available to the client AND allow old objects in the carousel to be replaced after only one cycle.

17. As to claim 16, Metz discloses decompressing the modules after the modules have been created from the data being retrieved [column 14 «line 63» to column 15 «line 4»].

18. As to claim 17, Metz discloses wherein the data containing modules retrieved from the data stream are broadcasted in packets with a PID number [column 14 «lines 18-34»].

19. As to claim 18, Metz discloses wherein the accessing the receiver to the data stream is executed when an application of the receiver executes a request defining the PID number of packets relating to the carousel of objects to be retrieved [column 37 «lines 15-22»].

20. As to claim 19, Metz discloses wherein the accessing the receiver to the data stream is executed when an application manager attempts to start the application signaled in a service together with the PID number of packets related to the carousel of objects to be retrieved [column 37 «lines 15-22»: Metz discloses including the channel identifier; the channel being requested reads on the claimed service].

21. Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stalker and Buchholz, in view of Chari, U.S Patent No. 6.038.319.

22. As to claims 8 and 16, Stalker does not expressly disclose decompressing the modules after the modules have been created from the retrieved data. In the same field of invention, Chari is directed towards a system for sharing television applications based in part on using data carousels for broadcasting modules to receiving stations [abstract]. Like Stalker, Chari discloses assembling modules from received packets [Figure 4 | column 6 «lines 39-43»]. However, Chari further discloses decompressing the modules after assembling them [column 5 «lines 4-6» | column 11 «lines 18-22»].

It would have been obvious to one of ordinary skill in the art to have modified Stalker's method with the decompression functionality taught in Chari. Compression and decompression technology was well known in the art at the time the invention was made for providing enhanced delivery by conserving bandwidth [see Chari, column 4 «lines 10-12»]. Thus, one would have been motivated to combine Stalker and Chari to improve the delivery capability of the modules over the network.

23. Claims 15 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Metz and Buchholz, in view of Stalker.

24. As to claim 15, while Metz discloses utilizing PID numbers to differentiate between packets [column 14 «lines 18-34»], Metz does not expressly disclose setting a packet filter with a PID number according to the parameters accessing the receiver to the carousel of objects to be retrieved. However, using packet filters based on PID numbers at a receiver was a well known feature in the art at the time of Applicant's invention as evidenced by Stalker. Like Metz, Stalker

is directed to broadcasting software applications to a receiver using a carousel delivery system [0014]. Stalker however further discloses utilizing a packet filter for at least one PID number is set according to the identified parameters to facilitate access of the receiver to the carousel of objects to be retrieved [0016, 0019, 0021, 0022 : Stalker discloses installing filters to more efficiently process incoming data blocks within the broadcasted data of the carousel. Each packet in Stalker contains an identifier that links the module with the specific application. Stalker's identifier reads on Applicant's claimed PID number]. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Metz's broadcasting system to include packet filtering based on PID number as taught by Stalker. Stalker discloses that one advantage of using such a filter is to allow only specific packets to be passed through to the receiver [0029].

25. As to claim 20, while Metz discloses looking only for data that contain specific PID numbers [column 37 «lines 20-22»], Metz does not disclose setting up a filter for passing all data related to the carousel of objects broadcasted within packets identified with a specific PID number defined by application requesting data reading from the carousel of objects. Stalker however further discloses setting up a filter for passing all data related to the carousel of objects broadcasted within packets identified with a specific PID number defined by application requesting data reading from the carousel of objects [0016, 0019, 0021, 0022 : Stalker discloses installing filters to more efficiently process incoming data blocks within the broadcasted data of the carousel. Each packet in Stalker contains an identifier that links the module with the specific application. Stalker's identifier reads on Applicant's claimed PID number]. It would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Metz's broadcasting system to include packet filtering based on PID number as taught by Stalker. Stalker discloses that one advantage of using such a filter is to allow only specific packets to be passed through to the receiver [0029].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Examiner, Art Unit 2452

/Kenny S Lin/
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